

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 14, 1946
11:05 A. M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilman Glass, Mayor Miller, Councilmen Thornberry and
Wolf - 4

Absent : Councilman Bartholomew - 1

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Bascom Giles submitted an application for an extension of the city limits to include a tract of land, consisting of 31.78 acres, lying between Manor Road and 19th Street, and the H&TC Railroad and Airport Boulevard. The matter was referred to the City Attorney to have the proper ordinance prepared and presented to the Council at its next regular meeting.

Rogan Giles submitted an application for an extension of the city limits to include Giles Place. The matter was referred to the City Attorney to have the proper ordinance prepared and presented to the Council at its next regular meeting.

Paul O. Simms submitted an application for an extension of the city limits to include McKinley Heights. The matter was referred to the City Attorney to have the proper ordinance prepared and presented to the Council at its next regular meeting.

Raymond Sands came before the Council and submitted a request for a loading zone for Sands & Barrow Pharmacy at 717 Colorado Street. The matter was taken under advisement and referred to the City Manager to determine what can be done.

A committee from the Franklin Debating Society of the Austin High School came before the Council and requested permission to erect booths

in front of Scarbrough's and Sears' stores for the purpose of receiving donations for the Community Chest. They were advised that they would first have to obtain permission for such booths from said stores, and if granted, the City would agree to it.

The following report of the Board of Adjustment was received and ordered filed:

" Austin, Texas
November 13, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 12, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Lawrence C. Johnson requesting a change in the Use designation of the following property:

The west 125'x150' of a .86 acre tract of land out of a 15-acre tract in the George W. Spear League, of record in Volume 791, page 500, of the Deed Records of Travis County, Texas, and being located at 5112 Georgetown Road,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on November 12, 1946, at which hearing the applicant appeared and explained in detail the development which was proposed on this property; and

WHEREAS, no one appeared protesting the proposed change; and

WHEREAS, this property now has a frontage of 150 feet on Georgetown Road and extends to a depth of 300 feet, on the first 150 feet of which there is now located a tourist camp and which 150 feet is now zoned as a "C-1" Commercial District; and

WHEREAS, the rear 150 feet is now zoned as an "A" Residence District but which the appellant proposes to use for a modern, high-class trailer camp which will provide modern central sanitary facilities as well as individual sanitary facilities for each trailer, allowing a standard width of 30 feet for each trailer, with ample driveway in front of each row of trailers and a park island in the center; and

WHEREAS, the land to the west of this property is not now subdivided and the commercial zone established by the City Council along Georgetown Road

in the new area annexed to the City has a depth of 300 feet, which has been accepted as the proper depth for tourist courts and similar uses; and

WHEREAS, the applicant affirms that he does not desire a "C-1" classification on this portion of the property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended that the above described property be changed from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District.

Respectfully submitted,

(Sgd) BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman. "

Councilman Wolf moved that a public hearing on a change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, December 5, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received and ordered filed:

" Austin, Texas
November 13, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 12, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of A. N. McQuown requesting a change in the Use designation of the following property:

Lots 1, 2, 3, 35, 36, and 37, of Block B, and Lots 1, 2, and 3, of Block C, A. N. McQuown Subdivision,

from "A" Residence District to "B" Residence District; and

WHEREAS, the Board of Adjustment considered this application at a meeting held on November 12, 1946, and carefully considered the proposed change; and

WHEREAS, this application is for a portion of a new subdivision approved by the City Plan Commission on October 31, 1946, and is still under a single ownership, no development having yet been commenced; and

WHEREAS, this application is in connection with a comprehensive housing development of this subdivision which would furnish more than a hundred living units for veterans in single family dwellings and in multi-family dwellings proposed to be erected on the above described portion of this subdivision; and

WHEREAS, since no property has been sold or developed, this change would have no adverse effect on the remaining property as future purchasers would be on notice of the existing zoning of this subdivision; and

WHEREAS, the Board deemed that this change would not be contrary to sound zoning principles and would afford an opportunity for more intensive development of this portion of the subdivision, resulting in the provision of more housing accommodations to relieve the acute housing shortage now existing in the City of Austin; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change in the Use designation of this portion of the A. N. McQuown Subdivision, from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District, be, and is, recommended.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman!"

Councilman Wolf moved that a public hearing on a change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, December 5, 1946, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received and ordered filed:

" Austin, Texas
November 13, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of

Adjustment at a meeting on November 5, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Everett H. Givens, Mrs. Algerine Craig, U. S. Young, and Andrew Tasby, through their attorney, Kenneth R. Lamkin, requesting a change in the Use designation of the following property:

Lots 1, 2, 3, 4, 5, in Block 1, Outlot 34, Division "B", being the south one-half of this Block 1 and located on the north side of East 12th Street between Chicon Street and Poquito Street,

from "C-1" Commercial District to "C-2" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on November 5, 1946, at which hearing the Attorney, Kenneth R. Lamkin, appeared and explained that the owner of Lots 1 and 2, Everett H. Givens, desired this change for the purpose of leasing a part of the building thereon for the operation of a liquor package store and that the application covered the additional lots in the south half of this block with the intent and purpose of avoiding a spot zone, but that the immediate purpose of this application was only for the operation of this one package store on Lots 1 and 2, and that at the present time no other use of this character was contemplated on the remaining lots; and

WHEREAS, this is in substance identical with the previous application considered on September 17, 1946, for the change of only Lot 1 out of this block for the same purpose and, therefore, for all intents and purposes this application is a renewal of the previous application, with the difference that additional lots are included covering the entire south half of this block for the avowed purpose of circumventing the objections to a spot zone; and

WHEREAS, at this hearing a number of property owners and interested citizens of that community appeared before the Board vigorously protesting the granting of this change on the grounds that there is no need or demand for this additional package store, that its operation would increase the undesirable conditions existing at this location, and would create further adverse effects on the surrounding property, disturbing the peaceful enjoyment of the residences across the street and to the rear thereof, and would further increase immoral conditions and evil influences on the youth of the community; and

WHEREAS, the inclusion of the additional lots in such a change could conceivably result in the establishment of additional package stores and dispensation of liquor, against which this application offers no guarantee, which would still further aggravate any evil conditions now existing in this location; and

WHEREAS, the Board carefully considered this application and the testimony of both the applicant and the protestants and deemed that in view of the existing conditions in this particular location, no further evidence or valid reasons have been presented justifying the establishment of a

liquor package store and the dispensing of more liquor than the present non-conforming use now provides, and that further justification for denying this application and change rests in Section 1 of the Zoning Ordinance of the City of Austin, which states that "zoning regulations and districts as herein adopted and established have been made in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals, and general welfare of the City of Austin," and on this statement and purpose of the Ordinance alone there is ample grounds for the disapproval of this application, and if it is the purpose of the Ordinance to preserve and promote the morals and general welfare of the community under a comprehensive plan of land use it would not be consistent to permit uses for the sole benefit of individuals as operators or property owners in the absence of any general public demand which would violate the intent and purpose of the Zoning Ordinance; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property be not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman. "

Councilman Wolf moved that a public hearing on a change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, December 5, 1946, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
 Noes : None
 Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received and ordered filed:

" Austin, Texas
 November 13, 1946

Honorable Mayor and City Council
 Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 12, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Cecil J. Shafer requesting a change in the Use designation of the following

property:

Lots 7 and 8, Block 15, The Highlands Subdivision, being located at 5106 Duval Street,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on November 12, 1946, at which the applicant appeared and explained in detail the development which was proposed on this property; and

WHEREAS, a number of property owners in this area and immediately adjacent to the property to be changed appeared protesting the proposed change on the grounds that they had bought their property and built their homes with the knowledge that this was residence property and that they wished to maintain the present classification, further affirming that the change to business designation would depreciate the value of their property; and

WHEREAS, the application is for the change of two 25-foot lots of record for the purpose of erecting a permanent masonry building for the repair and servicing of motor vehicles in a residential community; and

WHEREAS, the zoning maps of the City of Austin disclose that the four corners at the intersection of Bruning Avenue and Duval Street were zoned for commercial uses on November 3, 1938, but up to the present time have not been developed for such purposes; and

WHEREAS, there would be four 25-foot lots between the present commercial district and the property in question, which would remain in "A" Residence District; and

WHEREAS, this area has been developed for residential uses and a district has been created for a community center which has not yet been developed, providing ample space for any uses contemplated under this application; and

WHEREAS, to grant this change would result in a haphazard disconnected pattern of zoning not in accord with the intent and purpose of the Ordinance for the establishment of community centers; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change in the Use designation of the above described property be not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman. "

Councilman Wolf moved that a public hearing on a change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, December 5, at 11:00 A. M. The motion carried by

the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of FLOYD M. HOLLOWAY, Route 2, Box 213, Austin, Texas, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of JAMES WESLEY JOHNSON, 3308 Beverly Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of HUGH BURRIS SIMMONS, 1954 Sabine Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of HORACE W. PLATT, 217 West 8th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 model, Engine No. DAA331580, State License No. HW4693, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of JOE GRADY ROBINSON, 300 Congress Avenue, for a license to operate as a taxicab a Plymouth Sedan, 1940 Model, Engine No. P96214, State License No. AU-8563, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of JAMES T. SHIPP, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Motor No. BA150743, State License No. FV-1606, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of MELVIN M. STEVENSON, 300 Congress Avenue, for a license to operate as a taxicab a Chevrolet Sedan, 1940 Model, Motor No. 3355885, State License No. FX-1673, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The application of JOE CARLIN, 1133 East 11th Street, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The application of DIXIE GRILL, 408 South Congress Avenue, by L. L. Moss, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The application of PARIS CAFE, 415 West 6th Street, by L.C.Wallace, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The application of The Zanzibar, 407 East 6th Street, by Joe Carlin, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS AND HIGHWAYS IN THE CITY OF AUSTIN; DEFINING CERTAIN WORDS AND PHRASES FOR THE PURPOSE OF THIS ORDINANCE; DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF AUSTIN; PROVIDING FOR THE INSTALLATION, OPERATION, MAINTENANCE, SUPERVISION, REGULATION AND CONTROL OF THE USE OF PARKING SPACES AND PARKING METERS AND THE INSTALLATION AND MAINTENANCE OF THE PARKING METERS; PROVIDING FOR THE COLLECTION OF REGULATORY AND INSPECTION FEES FOR THE USE OF PARKING METERS AND PARKING SPACES AND PROVIDING FOR THE DEPOSIT OF SUCH RECEIPTS WITH THE CITY MANAGER; PROVIDING FOR THE METHOD AND PURPOSE OF

DISBURSEMENT OF SUCH RECEIPTS IN THE CONTROL AND PROMOTION OF TRAFFIC SAFETY AND THE HANDLING OF TRAFFIC ON THE STREETS OF THE CITY OF AUSTIN; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING A SAVING CLAUSE FOR VALID PORTIONS OF THIS ORDINANCE AND DECLARING THE INTENT OF THE CITY COUNCIL AND THE MAYOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE BUT ONLY TO THE EXTENT OF SUCH INCONSISTENCY AND OTHERWISE MAKING THIS ORDINANCE CUMULATIVE OF OTHER REGULATIONS GOVERNING THE SUBJECT OF THIS ORDINANCE, AND DECLARING AN EMERGENCY;" WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281 TO 286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 5, (c) OF SAID ORDINANCE RELATING TO THE LOCATION OF ANGLE PARKING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the ordinance be laid over for a public hearing on the matter at the next regular meeting. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, S. Esquivel, M. D., has made application in writing for permission to operate an orthopedic doctor's office and clinic for human beings only, on the north part of Lots 5 and 6, Block 153, of the City of Austin, Travis County, Texas, the same being on the southwest corner and locally known as 1306 Rio Grande Street, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

THAT permission for the operation and maintenance of an orthopedic doctor's office and clinic for human beings only be granted to S. Esquivel with the following conditions:

1. That this clinic be used in the general practice of orthopedic surgery and that no mental or psychiatric patients be housed in such clinic.
2. That all setback regulations required in this zone and all Building Code provisions be complied with in the operation and maintenance of such building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes: None
Absent: Councilman Bartholomew

It was moved by Mayor Miller that in accordance with requests received, the public hearing on the proposal to permit the sale of recombined milk in the City be changed from 7:30 P. M., Friday, November 15, to 3:00 P. M. of that day. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Benson, C. H. - 5200 Woodview	Outboard, 1946 Model, Martin, "Little Pal", 2-passenger
Deal, O. A. - Elgin, Texas	Home-built, Inboard, Ford, 6-passenger

Councilman Glass moved that the licenses be granted. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE IV, SECTION 26 (a) OF SAID ORDINANCE RELATING TO ANGLE PARKING LOCATIONS ON EAST AND WEST FIFTH STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the ordinance be laid over for a public hearing at the next regular meeting. The motion carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as Taulbee Street, which street is shown upon the map or plat of Northgate Addition of record in Book 3, Page 196, of the Plat Records of Travis County,

Texas; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of Taulbee Street to Taulbee Lane; and

WHEREAS, the City Council of the City of Austin has considered said petition; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Taulbee Street as referred to above be known and designated as TAULBEE LANE.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in AVENUE A, from a point 7 feet north of West 45th Street, northerly 130 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Avenue A.

Said gas main described above shall have a cover of not less than 2½ feet.

- (2) A gas main in GENARD STREET, from Huisache Street easterly 1089 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Genard Street.

Said gas main described above shall have a cover of not less than 2½ feet.

- (3) A gas main in GUADALUPE STREET, from Genard Street to Zennia Street, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Guadalupe Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in ZENNIA STREET, from Guadalupe Street easterly 126 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Zennia Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in TOWNES LANE, from a point 155 feet west of Exposition Boulevard westerly 192 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Townes Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in WERNER AVENUE, from a point 315 feet south of, East $38\frac{1}{2}$ Street, northerly 294 feet, the centerline of which gas main shall be 12.5 feet west of, and parallel to, the east property line of said Werner Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in GILBERT STREET, from Robin Hood Trail to Raleigh Avenue, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Gilbert Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in WEST 32ND STREET, from Harris Boulevard easterly 147 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 32nd Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Director of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

- Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes : None
- Absent: Councilman Bartholomew

The following resolution was introduced:

(RESOLUTION)

WHEREAS, City of Austin taxes for the years 1936 through 1940 were assessed in the name of Jones and Anderson on personal property; said taxes for said years being in the amount of \$325.80, and for non-payment of same at maturity, penalty in the sum of \$16.29 has been assessed, and interest in the amount of \$144.22 has accrued, making the total amount of taxes, penalty and interest due \$486.31; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$16.29, and one-half of the interest in the sum of \$72.11; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the aforesaid penalty in the sum of \$16.29 and one-half of the interest in the sum of \$72.11 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$16.29 and said interest in the sum of \$72.11 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

The foregoing resolution was adopted by the following vote:

- Ayes: Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
- Noes: None
- Absent: Councilman Bartholomew

The following resolution was submitted:

(RESOLUTION)

WHEREAS, delinquent taxes on personal property have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
L. A. McGinnis, Jr.	1941 thru 1945	\$ 9.11
Ben Koneschek	1939 thru 1942	17.27
Howard Lindhart	1942 & 1943	8.83
Elo A. Hoppe	1943	8.89
Charles Kirstein	1937, 1940, 1941, 1945	12.64
E.W.Knaack	1943	5.35

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby, authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Upon motion, the foregoing resolution was adopted by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
 Noes : None
 Absent: Councilman Bartholomew

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 11:45 A. M., subject to call of the Mayor, by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
 Noes : None
 Absent: Councilman Bartholomew

Attest:

Helen McKeenan

City Clerk

Approved:

Tom Miller

MAYOR